

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

BENNY CLAYTON HICKS,

PETITIONER

VS.

CIVIL ACTION, FILE NO. 01-08-1127L

BARBARA DADDIO MORVAN,

RESPONDENT

ORDER ENROLLING FOREIGN DECREE AND ENFORCEMENT OF FINAL
DECREE OF DIVORCE

This cause came on to be heard upon the Petition To Enroll Foreign Decree Of Divorce And For Enforcement Of Final Decree Of Divorce filed by Petitioner, Bennie Clayton Hicks, against Barbara Daddio Morvan, Respondent, upon publication of process in the time and in the manner as required by law, and upon proof taken in open Court, and the Court, after considering all of the above, does hereby find and adjudicate as follows:

1. Petitioner is an adult resident citizen of DeSoto County, Mississippi, whose address is 2240 Bankston Road, N., Nesbit, MS 38651.
2. The Respondent is an adult non-resident citizen of DeSoto County, Mississippi, whose street and post office address is unknown to Petitioner after diligent search and inquiry.
3. That on or about the 15th day of March, 1991, in the Circuit Court of Shelby County, Tennessee for the Thirteenth Judicial District at Memphis, a Final Decree Of Divorce was entered in Case No. 125866-4 R.D., a true and correct copy of said Decree Of Divorce being attached to the Petition and marked Exhibit "A", and further being certified in accordance with the Acts of Congress. Said Final Decree Of Divorce

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W E DAVIS, CLERK

provided as follows in regard to the marital home of the parties located in Nesbit,

Mississippi:

“It further appearing to the Court that the parties own certain real property located in Nesbit, Mississippi, and that the Complainant should be awarded the sum of Three thousand seven hundred ninety dollars and forty-two cents (\$3,790.42) as alimony in solido for her down payment on said property. It further appearing to the Court that upon payment of this money, that the Complainant should execute a Quit Claim Deed divesting her interest in the Property in favor of the Defendant.”

The said Final Decree Of Divorce also provided as follows:

“IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant is awarded the sum of Three Thousand Seven Hundred Ninety Dollars and Forty-two cents (\$3,790.42) as alimony in solido representing her down payment on the real property owned by the parties in Nesbit, Mississippi. Upon payment of this sum, the Complainant is ordered to execute a Quit Claim Deed divesting any title she may have in the property in favor of the Defendant.”

4. The marital property referred to in said Final Decree Of Divorce consists of a house and lot located at 2240 Bankston Road, N., Nesbit, Mississippi 38651, and being more particularly described as follows:

A fraction of the Southeast part of the Southwest Quarter of Section 19, Township 2 South, Range 7 West, DeSoto County, Mississippi, and being more particularly described as beginning at the Southeast Corner of said Quarter Section, which is a 30 inch oak tree, running thence Northward 729.0 feet to a pipe on the Point of Beginning, this survey, thence Westward 650.0 feet, to an angle iron; thence Northward a distance of 243.0 feet to an angle iron; thence Eastward a distance of 650.00 feet to a point; thence Southward a distance of 243.0 feet to the point of beginning. The area of this property is 3.62 acres. As per survey by Tidwell Survey Company, dated November 6, 1985. Being the same Property conveyed to the Grantor herein by virtue of Warranty Deed Dated November 12, 1985, filed for record at 11:30 a.m., November 12, 1985, and not yet assigned a Book and Page number in the office of the Chancery Clerk of DeSoto County, Mississippi.

5. That shortly after the divorce between the parties, the Respondent moved and

the Petitioner has no knowledge of her street and post office address.

6. That Petitioner has at all times been ready, willing and able to pay unto the Respondent the sum of \$3,790.42 as alimony in solido as required by the Final Decree Of Divorce. He has not been able to do so because he has not been able to locate the Respondent. Further, Respondent has made no contact with him seeking to obtain the money he is required to pay.

7. That the Court should allow Petitioner to pay the sum of \$3,790.42 into the Registry of the Chancery Court Clerk of DeSoto County, Mississippi, and that the Court should enter a Judgment transferring and conveying ownership of the Respondent's interest in the marital home of the parties to the Petitioner, Benny Clayton Hicks.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED AS
FOLLOWS:

A. That the Final Decree Of Divorce referred to above be entitled to full faith and credit in the Courts of Mississippi;

B. That the Petitioner shall pay unto the Registry of the Chancery Court Clerk of DeSoto County, Mississippi, the sum of \$3,790.42 as alimony in solido for Respondent for her interest in the marital home of the parties referred to and described above; that the Court by this Order, does hereby divest Respondent out of any interest which she might have in the marital home of the parties located at 2240 Bankston Road, N., Nesbit, MS 38651, and being more particularly described as follows:

A fraction of the Southeast part of the Southwest Quarter of Section 19, Township 2 South, Range 7 West, DeSoto County, Mississippi, and being more particularly described as beginning at the Southeast Corner of said Quarter Section, which is a 30 inch oak tree, running thence Northward 729.0 feet to a pipe on the Point of Beginning, this survey, thence Westward 650.0 feet, to an angle iron; thence Northward a distance of

243.0 feet to an angle iron; thence Eastward a distance of 650.00 feet to a point; thence Southward a distance of 243.0 feet to the point of beginning. The area of this property is 3.62 acres. As per survey by Tidwell Survey Company, dated November 6, 1985. Being the same Property conveyed to the Grantor herein by virtue of Warranty Deed Dated November 12, 1985, filed for record at 11:30 a.m., November 12, 1985, and not yet assigned a Book and Page number in the office of the Chancery Clerk of DeSoto County, Mississippi.

and by this Order does hereby transfer and convey all of Respondent's right, title and interest in said marital home to Petitioner, Benny Clayton Hicks; and,

C. That a copy of this Order be filed in the deed records in the office of the Chancery Clerk of DeSoto County, Mississippi.

ORDERED, ADJUDGED AND DECREED this the 30th day of October, 2001.

Special H.R. Gasser
CHANCELLOR

Prepared by:

James W. Amos
James W. Amos
Attorney for Petitioner

STATE MS.-DESOTO CO.
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BK 402 PG 285
W.E. DEWITT, CH. CLK.

Prepared by:

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Hernando, MS 38612
662-425-7873

STATE OF MISSISSIPPI, COUNTY OF DESOTO
I HEREBY CERTIFY that the above and foregoing is
a true copy of the original as filed in the
This the 30th day of Oct 2001
W.E. Dewitt, Chancery Clerk
By D. J. Gasser D.C.